

Remarks

Reconsideration of the application is respectfully requested in view of the following remarks. Claims 21-46 are pending in the application. No claims have been allowed. Claims 21, 30, 42 and 43 are independent.

Rejections under 35 U.S.C. § 112

The Action rejects claims 26, 39, 42 and 43 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Action objects to the term “supporting network” in these claims. Applicants respectfully disagree with the assertion that these claims are indefinite. Although this language could cover several possibilities, this does not mean that the claims are indefinite. However, in order to expedite prosecution, Applicants amend claim 26 (and its parent claim 21), claim 39 (and its parent claim 30) and claim 42 to recite “wireless communications network” instead of “supporting network.” Claim 43 does not recite a “supporting network.” For example, the original specification states: “The invention is a method and system for activating a mobile station in a wireless communications network.” See page 8, lines 2-3. Claims 26, 39, 42 and 43 satisfy 35 U.S.C. § 112, second paragraph, and applicants respectfully request withdrawal of the rejections.

Rejections under 35 U.S.C. § 102(e)

The Action rejects claims 21-25, 27-38 and 40-41 under 35 U.S.C. § 102(e) over U.S. Pat. No. 5,603,084 to Henry et al. (Henry). Based on remarks on page 4 of the Action, Applicants respectfully presume that claim 43 is also rejected under Henry. In any case, applicants respectfully traverse these rejections.

Independent Claim 21

Amended claim 21 recites:

An unactivated mobile station programmed to perform a method comprising:

sending, to a wireless communications network, during *a process that can be used by an activated mobile station to announce a current location* of the mobile station and enable the wireless communications network to direct incoming calls to the activated mobile station, a message comprising information distinguishing the message as for activation of the unactivated mobile station, *wherein the sending of the message causes the network to send activation parameters to the unactivated mobile station.* . . .

For example, the original specification states:

The local mobile switching center receives registration orders from previously activated mobile stations, as well as from new mobile stations. *If a previously activated mobile station is moved into the coverage area of a local mobile switching center, the mobile station must become registered in the new area before it can conduct normal communications sessions.* A previously activated mobile station will have a valid MIN which it sends in the registration order transmitted to the local mobile switching center.

See page 9, lines 8-13 (emphasis added). Also:

The OTAF function 110' performs activation processing *in response to a registration order from the mobile station 100 which has not previously been activated*, and downloads activation parameters in the form of NAM parameters to the mobile station 100.

See page 12, line 20 – page 13, line 1 (emphasis added). Furthermore:

In step 414 of FIG. 4A . . . *the OTAF processor 110 initiate[s] the activation process for the mobile station 100. In step 416, the OTAF processor 110 sends the activation parameters in the form of the NAM parameters, for the mobile station, back to the mobile switching center 104.*

Then step 418 of FIG. 4A has the mobile switching center 104 and base station 102 *transmit the activation parameters over-the-air to the mobile station 100 using the VLR record in the VLR 106 to identify which mobile station 100 is intended to receive the activation parameters.*

See page 20, lines 8-15 (emphases added).

Henry does not teach or suggest a mobile station programmed to perform such a method. For example, Henry is silent as to “*during a process that can be used by an activated mobile station to announce a current location of the mobile station . . . [sending] a message . . . wherein the sending of the message causes the network to send activation parameters to the unactivated mobile station.*”

Instead, according to Henry:

The activation process may be initiated by the radiotelephone 30 by *first initiating a cellular radiotelephone communication to the cellular system.* . . .

The cellular radiotelephone communication used to initiate the activation process can be established by *manually dialing a predetermined telephone number from the radiotelephone.* Alternately, the radiotelephone communication can be *automatically initiated by the radiotelephone at the initial power up.*

See col. 6, lines 42 – 60 (emphases added). Henry further explains:

When phone activation is desired, the initial identification number ("IIN") is provided at block 50 to the cellular system. Preferably, a first cellular radiotelephone communication is established from the radiotelephone 30 to the cellular system 18, and the initial identification number is transmitted to the cellular system, as shown in FIG. 4. *This may be accomplished by calling a designated unblocked activation number at block 60 which will accept calls from phones which have not been activated or programmed and therefore have no established account.* This call initiates an exchange over a digital control channel at block 62 wherein the initial identification number is transmitted at block 64 to the cellular system via the wireless communications path 32 and the base station 20_A.

See col. 7, lines 21-34 (emphasis added). Henry also states that, after the above process has taken place, "the cellular system can call the phone back at a later time to program (or activate) the phone."

See col. 7, lines 54-55.

Thus, Henry describes providing an initial identification number to the cellular system by "calling a designated unblocked activation number . . . which will accept calls from phones which have not been activated or programmed and therefore have no established account." Henry does not teach or suggest that calling this "designated unblocked activation number" is "a process that can be used by an *activated* mobile station to *announce a current location* of the mobile station," as recited in claim 21.

Henry does not teach or suggest each and every element of claim 21, and for at least these reasons, claim 21 is allowable. Claims 22-25 and 27-29 depend from claim 21 and are allowable for at least the reasons stated above, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Independent Claim 30

Amended claim 30 recites:

An unactivated mobile station programmed to perform a method comprising:
sending, to a wireless communications network, *an activation message having a format of an ordinary registration order*, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order. . . .

Henry does not teach or suggest such a method. For example, Henry is silent as to “sending . . . an activation message having a format of an ordinary registration order.” Henry is generally silent concerning the format of a registration order. Although claim 30 is limited to a particular format, the specification of the present application states that a registration order can, for example, comprise an over the air activation ID number and an electronic serial number. See page 19, lines 17-18. Henry describes sending an initial identification number (IIN) (see, e.g., col. 7, lines 21-26), but does not state or suggest that it is in “a format of an ordinary registration order.” Instead, Henry merely suggests that the IIN may comprise 10 digits. See, e.g., col. 7, lines 17-19.

The Action at pages 3 and 5 states:

Henry teaches that the phone can use an Initial Identification Number (IIN) with which to activate/register the mobile (C5, L61 to C6, L10). Since the phone would register first, along with using a non-activated MIN (e.g. the IIN), the mobile would inherently comprise information that distinguishes itself from an ordinary registration order since the network will recognize the IIN and cause the phone to be connected to the service provider/Over the Air server for activation.

Applicants respectfully disagree with this argument. For example, this argument seems to suggest that merely transmitting the IIN to the cellular system is sufficient to start Henry’s activation process. However, Henry states that the activation process is started by manually or automatically dialing a predetermined activation number. See, e.g., col. 6, line 42 – col. 7, line 2; and col. 7, lines 21-30. Additionally, Henry is silent as to using the IIN to register the mobile.

For at least these reasons, claim 30 is allowable over Henry.

Claims 31-38 and 40-41 depend from claim 30 and are allowable for at least the reasons stated above, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Independent Claim 43

Claim 43 recites, “receiving, from a mobile station, an activation message having a format of an ordinary registration order, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order.” As was similarly explained above with respect to claim 30, Henry is silent as to “an activation message having a format of an ordinary registration order, wherein the activation message comprises information distinguishing the activation

message from an ordinary registration order.” For at least these reasons, claim 43 is allowable over Henry, and applicants respectfully request withdrawal of the rejection.

Rejections under 35 U.S.C. § 103(a)

The Action rejects claims 26, 39 and 42-46 under 35 U.S.C. § 103(a) over Henry in view of U.S. Pat. No. 5,414,750 to Bhagat et al. (Bhagat). Applicants respectfully traverse this rejection.

Dependent Claims 26 and 39

Claim 26 depends from claim 21. As was noted above, claim 21 is allowable over Henry. Bhagat does not remedy the shortcomings of Henry with respect to claim 21, and claim 21 is therefore allowable over a Henry-Bhagat combination. Claim 26 is thus also allowable over Henry and Bhagat. Applicants respectfully request withdrawal of the rejection.

The Action at page 3 states that “it is indeterminate as to ‘exactly when’ (e.g., before, during or after the activation and/or registration) that claim 26 is actually invoked/performed.” Claim 26 recites:

The method of claim 21 wherein the message comprises a serial number of the mobile station for recording in a visitor location register of the supporting network.

Applicants submit that claim 26 concerns the “message” recited in claim 21 and that it is not necessary to address “exactly when” the claim is “invoked/performed.”

Claim 39 depends from claim 30. As was noted above, claim 30 is allowable over Henry. Bhagat does not remedy the shortcomings of Henry with respect to claim 30, and claim 30 is therefore allowable over a Henry-Bhagat combination. Claim 39 is thus also allowable over Henry and Bhagat. Applicants respectfully request withdrawal of the rejection.

Independent Claim 42

Claim 42 recites:

An unactivated mobile station programmed to perform a method comprising:
sending, to a wireless communications network, during a process ordinarily used to announce a current location of the mobile station and enable the wireless communications network to direct incoming calls to the mobile station, a message having a format of an ordinary registration order comprising information distinguishing the message as for activation of the unactivated mobile station, wherein the message comprises an electronic serial number of the unactivated mobile station for recording in a visitor location register of the wireless

communications network and wherein the message does not comprise a valid mobile identity number. . . .

Henry and Bhagat do not, singularly or in combination, teach or suggest such a mobile station. For example, as was similarly explained above with respect to claim 30, Henry does not teach or suggest “a message having a format of an ordinary registration order comprising information distinguishing the message as for activation of the unactivated mobile station.” Bhagat also does not teach or suggest such a feature, and claim 42 is therefore allowable over a Henry-Bhagat combination. Applicants respectfully request withdrawal of the rejection.

Independent Claim 43

As noted above, claim 43 is allowable over Henry. Bhagat does not remedy the shortcomings of Henry with respect to claim 43, and claim 43 is thus allowable over a Henry-Bhagat combination. Claims 44-46 depend from claim 43 and are therefore likewise allowable over a Henry-Bhagat combination for similar reasons, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

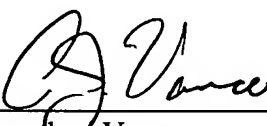
The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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